### Texas Commission On Environmental Quality AGENDA ITEM REQUEST

AGENDA REQUESTED: January 11, 2012 DATE OF REQUEST: October 20, 2011

NAME & NUMBER OF PERSON TO CONTACT REGARDING CHANGES TO

THIS REQUEST, IF NEEDED: Barbara Mayer at 239-4739

**CAPTION: Docket No. 2011-1949-MIS.** Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. [Elizabeth West]

[
Chief Clerk must send Notice of Application/Hearing:
Type of Matter:
County:
Uncontested:
Contested:

David Timberger Director General Law Division

### CHAPTER 575. ACCEPTANCE OF GIFT BY STATE AGENCY

### § 575.001. Definitions

In this chapter:

- (1) "Gift" means a donation of money or property.
- (2) "State agency" means a board, commission, council, committee, department, office, agency, or other governmental entity in the executive or judicial branch of state government. The term does not include an institution of higher education as defined by Section 61.003, Education Code.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### § 575.002. Gifts of \$500 or More

This chapter applies only to a gift that has a value of \$500 or more.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### § 575.003. Acceptance of Gift by State Agency Governing Board

A state agency that has a governing board may accept a gift only if the agency has the authority to accept the gift and a majority of the board, in an open meeting, acknowledges the acceptance of the gift not later than the 90th day after the date the gift is accepted.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 143, § 1, eff. Sept. 1, 1999.

### § 575.004. Record of Gift

A state agency that accepts a gift must record the name of the donor, a description of the gift, and a statement of the purpose of the gift in:

- (1) the minutes of the governing board of the agency; or
- (2) appropriate agency records, if the agency does not have a governing board.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### § 575.005. Acceptance of Gift From Party to Contested Case Prohibited

A state agency may not accept a gift from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final under Section 2001.144. In this section, "contested case" has the meaning assigned by Section 2001.003.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### **TCEQ Interoffice Memorandum**

To:

Mark R. Vickery, P.G. **Executive Director** 

From:

Elizabeth West, Senior Attorney Contracts, Employment Law and Ethics

General Law Division

David Timberger, Director General Law Division

Stephanie Bergeron Perdue, Deputy Director

Office of Legal Services

Date:

December 9, 2011

Caption: Docket No. 2011-1949-MIS. Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning

acceptance of gifts and donations by certain agencies.

Chapter 575 of the Government Code gives some specific direction to state agencies regarding the acceptance of gifts and donations. Chapter 575 provides that the Commission must acknowledge the acceptance of all gifts of money or property with a value of \$500 or more in an open meeting no later than the 90th day after the date the gift is accepted. Chapter 575 further states the name of the donor, a description of the gift or donation, and a statement of the purpose of the gift or donation must be recorded in the minutes. Chapter 575 of the Government Code is attached as Exhibit "A."

Before the Commission can acknowledge the acceptance of gifts and donations with a value of \$500 or more listed in Exhibit "B", the gifts must be accepted by the agency.

A list of gifts and donations is attached as Exhibit "B." A Declaration of Third Party Reimbursement form is submitted for each gift or donation listed in Exhibit "B." The Declaration of Third Party Reimbursement forms are attached as Exhibit "C." Your signature below is needed to "accept" the aforementioned and referenced exhibits. We recommend you sign this form and accept the gifts.

I acknowledge and accept the gifts listed in Exhibit "B", on behalf of the Texas Commission on Environmental Quality.

k R. Vickery, P.G.

Executive Director

Date: 12-17-1/

### Exhibit "A" **Chapter 575 of the Government Code** Texas Commission on Environmental Quality

### CHAPTER 575. ACCEPTANCE OF GIFT BY STATE AGENCY

### § 575.001. Definitions

In this chapter:

- (1) "Gift" means a donation of money or property.
- (2) "State agency" means a board, commission, council, committee, department, office, agency, or other governmental entity in the executive or judicial branch of state government. The term does not include an institution of higher education as defined by Section 61.003, Education Code.

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### § 575.002. Gifts of \$500 or More

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A state agency that has a governing board may accept a gift only if the agency has the authority to accept the gift and a majority of the board, in an open meeting, acknowledges the acceptance of the gift not later than the 90th day after the date the gift is accepted.

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### § 575.005. Acceptance of Gift From Party to Contested Case Prohibited

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Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

# Exhibit "B" **List of Gifts and Donations**

Texas Commission on Environmental Quality

TEXAS NATUE DECLARATIO	TEXAS NATURAL RESOURCE CONSERVATION COMMISSION DECLARATION OF THIRD PARTY REIMBURSEMENT	CONSERVATION TY REIMBURSE	N COMMISSION EMENT		Sept. 2011	through	Dec. 2011
Over \$500.00							
REIMBURSING ORGANIZATION	TRAVELERS NAME	DATES OF TRAVEL	DESTINATION	PURPOSE OF TRIP	REIMBURSED		REIMBURSED TOTAL
Association of State Drinking Water Administrators	Weddell, James S.	8/29-9/1/11	Cincinnati, OH	Attend ES EPA's 8th Annual Workshop on Small Drinking Water Systems Compliance Strategies	Shuttle: Airfàre: Meals:	\$40.00	\$1,079.03
					Lodging:	\$403.68	
ASTSWMO-Association of State & Territorial Solid Waste Management Officials	Holderread, Jelf	8/8-8/11/11	Kansas City, MO	ASTSWMO Solid Waste Conference			\$1,206.26
					Taxi: Airfare: Meals: Lodging:	\$53.00 \$700.80 \$105.00 \$347.46	
ASTSWMO-Association of State & Territorial Solid Waste Management Officials	Power, Abigail	10/25-10/30/11	Bethesda, MD	Attend the Assoc. of State and Territorial Solid Waste Mgmt. Officials (ASTSWMO) Annual meeting and Imergining Issues Work Group	q		\$1,073.84
					Public Transport: Airfare: Meals: Lodging:	\$52.62 \$344.30 \$166.16 \$510.76	

\$696.89	\$1,467.33	\$754.40	\$1,315.85
\$4.50 \$93.44 \$598.95	\$236.28 \$331.10 \$284.00 \$500.00 \$17.80 \$63.27 \$34.88	\$102.00 \$234.25 \$88.00 \$330.15	\$105.07 \$709.80 \$127.50 \$24.00 \$29.07 \$6.23
Franc Meals: Lodging:	Rental Car: Airfàre: Meals: Lodging: Business Calls: Personal Mileage: Fuel:	Public Transport: Airfare: Meals: Lodging:	Rental Car: Airfare: Meals: Lodging: Parking: Personal Mileage: Baggage Fees: Fuel:
Association of State and Territorial Solid Waste Mangement Officials (ASTSWMO) Leaking Underground Storage Tank & State Fund Workshop	Provided invited presentations and attended the 2011 RadWaste Summit	Attend Work group and Fall meeting (Sustainable Remediation)	Participate in the Spring 2011 Low-Level Radioactive Waste Forum
Chicago, II.	<b>S</b> ummerlin, NV	Denver, CO	Perdido Beach, AL
09/12-09/15/11	09/06-09/11/11	10/26-10/28/11	03/23-03/25/11
ASTSWMO-Association Walling, Jonathan of State & Territorial Solid Waste Management Officials	Exchange Monitor Jablonski, Susan Publications	Interstate Technology and Wehner, Eleanor Regulatory Council	U.S. Department of Energy Jablonski, Susan M.

\$836.12						
	\$466.90	\$140.00	\$182.84	\$27.00	\$19.38	
	Aurlare:	Meals:	l odging:	Parking;	Personal Mileage:	
Represent the TCEQ at the Good Neighbor Environmental Board Meeting						
Las Cruces, NM						
Memeyer, Mephen M.						
U.S. HEA						

\$8,429.72

\$8,429.72

Totals:

## Exhibit "C" Declaration of Third Party Reimbursement Forms for Supporting Documentation

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6273.

(1) Employee's Name:	Jame	s S. Weddell	
(2) Dates of Travel:	8/29/2	2011 – 9/1/2011	
(3) Destination:	Cinci	nnati, Ohio	
(4) Purpose:		d US EPA's 8 <sup>th</sup> Annual ' ing Water Systems: Com	
(5) Reimbursing Organiz	ation:	Association of State D Administrators	Orinking Water
(6) Itemized Expenses:			
Description		Total	Additional Comments
Fares:		\$ 40.00	2 x \$20.00, shuttle fee
Public Transportation		\$	
Rental Car		\$	
Air		\$ 510.90	Includes 2 x \$25.00 for baggage fee
Meals		\$ 124.45	
Lodging		\$ 403.68	
Parking		\$	
Other:			
Business Telephone Calls		\$	
Personal Vehicle Mileage	:	\$	
Seminar Registration/Fee	S	S	
Misc. (Describe under comments)		\$	
Grand Total		\$ 1,079.03	
Approval Signatures:  (7)  Employee Signature  (8)  Un June	Pate had	Weddell	

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reunbursing source.

'11 SEP 26 PM 10:48 TCEQ FAD

Supervisor Signature/Date

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6273.

(2) Dates of Travel: RIS-IIII  (3) Destination: Kawsas Chy Mission Conference  (4) Purpose: ASTSUMD Solid Waste Conference  (5) Reimbursing Organization: Association Of State And Territorial Solid Waste Management Officials (Astswmo)  (5) Itemized Expenses:  Description Total Additional Comments  Fares: Taxi S 5300  Public Transportation S  Rental Car S Air S 700 80  Meals S 10 5 92  Lodging S 307 40  Parking S  Other:  Busines: Telephone Calls S  Personal Vehicle Mileage S  Seminar Registration/Fees S  Miss. (Describe under S)  Grand Total S 1 2 0 C 2 6  Approval Signatures:  (1) Additional Comments  (1) Additional Comments  Additional Comments  S 5300  Additional Comments  S 700 80  Additional Comments	(I) Employee's Name:	Jeff Holderrea	d
(4) Purpose: ASTSWHO Solid Works CoviErence (5) Reintbursing Organization: Association Of State And Territorial Solid Waste Management Officials (Astswmo)  (5) Itemized Expenses:  Description Total Additional Comments  Fares: Total Solid Waste Management Officials (Astswmo)  Public Transportation Solid Waste Management Officials (Astswmo)  Rental Car Solid Solid Waste Management Officials (Astswmo)  Rental Car Solid Solid Solid Solid Waste Management Officials (Astswmo)  Public Transportation Solid Waste Management Officials (Astswmo)  Rental Car Solid Solid Solid Solid Waste Management Officials (Astswmo)  Rental Car Solid Solid Waste Management Officials (Astswmo)  Rental Car Solid Solid Waste Management Officials (Astswmo)  Rental Car Solid Waste CoviErence  Additional Comments  Solid Waste Management Officials (Astswmo)	(2) Dates of Travel:	8/8-11/11	
(4) Purpose: ASTSWMU Solid Waste Conference (5) Reimbursing Organization: Association Of State And Territorial Solid Waste Management Officials (Astswmo)  (5) Itemized Expenses:  Description Total Additional Comments  Fares: Tax S 5300  Public Transportation S  Rental Car S  Air S 700 80  Meals S 10 5 90  Lodging S 307 40  Parking S  Other:  Busines: Telephone Calls S  Personal Vehicle Mileage S  Seminar Registration/Fees S  Misc. (Describe under 10 mments)  Grand Total S 1 2 0 0 200  Approval Signatures:  (1) Maddeward 10 10 11	(3) Destination:		Whi
Association Of State And Territorial Solid Waste Management Officials (Astswmo)  (5) Itemized Expenses:  Description Total Additional Comments  Fares: Total S 5300  Public Transportation S  Rental Car S  Air S 700 80  Meals S 10500  Lodging S 307 40  Parking S  Other:  Busines: Telephone Calls S  Personal Vehicle Mileage S  Misc. (Describe under : Dimens)  Grand Total S 1200 26  Approval Signatures:  (1) MARAGEMENT (Dimens)	(4) Purrose:	t t	
Description  Fares: Text	(5) Reimbursing Organization:	Association Of State A	and Territorial Solid Waste
Fares: Tox S 5300 Public Transportation S Rental Car S Air S 700 80 Meals S 10 500 Lodging S 707 40 Parking S Other:  Business: Telephone Calls S Personal Vehicle Mileage S Seminar Registration/Fees S Visc. (Describe under 1) summents:  Grand Total S 1206 26 Approval Signatures:	(5) Itemized Expenses:		
Public Transportation  Rental Car  Air  S 700 89  Meals  S 10 5 00  Lodging  Parking  Other:  Busines: Telephone Calls  Seminar Registration/Fees  Seminar Registration/Fees  Visc. (Describe under comments)  Grand Total  S 1206 26  Approval Signatures:	Description	Total	Additional Comments
Rental Car  Air  S 700 80  Meals  S 10 5 00  Lodging  Parking  Other:  Business Telephone Calls  Personal Vehicle Mileage  Seminar Registration/Fees  Visa. (Describe under 10 mments)  Grand Total  S 1206 26  Approval Signatures:	Fares: Tax	s 5300	
Meals  S 700 80  Meals  S 105 00  Lodging  S 307 46  Parking  Other:  Business Telephone Calls  S Personal Vehicle Mileage  Seminar Registration/Fees  Visc. (Describe under 10 mments)  Grand Total  Approval Signatures:	Public Transportation	S	
Meals  S 10500  Lodging  S 207 46  Parking  Other:  Busines: Telephone Calls  Personal Vehicle Mileage  S Seminar Registration/Fees  Visc. (Describe under Somments:  Grand Total  S 1206 26  Approval Signatures:	Rental Car	S	
Meals  Lodging  S 207 46  Parking  Other:  Busines: Telephone Calls  Personal Vehicle Mileage  Seminar Registration/Fees  Softisc. (Describe under Softiments)  Grand Total  S 1206 26  Approval Signatures:	Air	s 700 80	
Parking S  Other:  Business Telephone Calls S  Personal Vehicle Mileage S  Seminar Registration/Fees S  Visc. (Describe under Somments)  Grand Total S   206 26  Approval Signatures:	Meals	S (0500	
Other:  Busines: Telephone Calls S  Personal Vehicle Mileage S  Seminar Registration/Fees S  Vlisc. (Describe under S  comments)  Grand Total S   206 26  Approval Signatures:	Lodging	\$ 7,07 46	
Busines: Telephone Calls  Personal Vehicle Mileage  Seminar Registration/Fees  Visc. (Describe under somments)  Grand Total  S   206 26  Approval Signatures:	Parking	S	
Personal Vehicle Mileage S  Seminar Registration/Fees S  Visc. (Describe under S  Domments)  Grand Total S   ZOG 26  Approval Signatures:	Other:		
Seminar Registration/Fees S  Visc. (Describe under S  Domments)  Grand Total S   ZOG 26  Approval Signatures:	Busines: Telephone Calls	S	
Misc. (Describe under Somments)  Grand Total S [ 206 26 Approval Signatures:	Personal Vehicle Mileage	\$	
Grand Total S [ 206 26 Approval Signatures:	Seminar Registration/Fees	S	
Approval Signatures:		S	
- Herdened 10/26/11	Grand Total	s 1206 26	
	- Heldenean	<u> 10/26/11</u>	
(8) 10/26/11 Supervisor Signature/Date	181 1.711.71		

The employee supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit. MC 181 or fax to 239-6768.

(1) Employee's Name:	Abiga	il Po	wer			
(2) Dates of Travel:	Octob	er 25	-30,2011			
(3) Destination:	Bethe:	sda, l	MD			
(4) Purpose:	Mgmt	Offi		VMO) A	erritorial Solid Waste nnual meeting and	
(5) Reimbursing Organiz	ation:	AS	TSWMO			
(6) Itemized Expenses:						
Description		To	otal .		Additional Comments	
Fares:		\$	**************************************	<del></del>		•
Public Transportation		\$	52.62			
Rental Car		\$				
Air		\$	344.30	_		
Meals		\$	166.16			
Lodging		S	510.76	- <b></b>		
Parking		\$		_		
Other:						
Business Telephone Calls		\$				
Personal Vehicle Mileage		\$		-		
Seminar Registration/Fee	3	\$		-		
Misc. (Describe under comments)		\$		- -		
Grand Total		\$	1073.84			
Approval Signatures:  (7) Longou  Employee Signature (8) Supervisor Signature	h	4	12/2	<u> </u>		

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6768.

(1) Employee's Name:	JONAT	HAN WALLING			
(2) Dates of Travel:	SEPTEM	MBER 12-15, 2011			
(3) Destination:	CHICAGO, ILLINOIS				
	SOLID V (ASTSW	WASTE MANAGE 'MO) LEAKING U	E AND TERRITORIAL EMENT OFFICIALS INDERGROUND TE FUND WORKSHOP.		
(5) Reimbursing Organizat		ASTSWMO			
(6) Itemized Expenses:					
Description		Total	Additional Comments		
Fares:	_	\$ 0.00			
Public Transportation		\$ 4.50	Train to and from hotel		
Rental Car	_	\$ 0.00			
Air		\$ 0.00			
Meals		\$ 93.44	2 full days, 2 half days		
Lodging		\$ 598.95	3 nights @ \$173 + hotel taxes		
Parking	-	\$ 0.00			
Other:					
Business Telephone Calls		\$ 0.00			
Personal Vehicle Mileage	:	\$ 0.00			
Seminar Registration/Fees		\$ 0.00			
Misc. (Describe under comments)		\$ 0.00			
Grand Total	9	\$ 696.89			
Approval Signatures:	·	[7/4/-			

· which

Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third Party, this form is to be completed and forwarded to the Travel Unit, MC-181 or fax to 239-6768.

- 1. Employee's Name: Susan Jablonski
- 2. Dates of Travel: September 6-11, 2011
- 3. Destination: <u>Summerlin, Nevada</u> (<u>Las Vegas Area</u>)
- 4. Purpose: Provided invited presentations and attended the 2011 RadWaste Summit
- 5. Reimbursing Organization: Exchange Monitor Publications
- 6. Itemized Expenses:

Description	Total	Additional Comments
Fares:		
Public Transportation	<u>\$0</u>	Rented car
Rental Car	4@\$59.07=2 3/5 2	Rental car at State Rate
Ar	\$331.10	Southwest Airlines airfare
Meals	4@\$71 = 284,00	At per diem meal rates
Lodging	<u>\$500</u>	Paid directly by 3rd party
Airport Parking	<u>\$0</u>	Dropped off at airport
Other:		
Business Telephone Calls	4@\$4.45 = 7,80	Hotel internet access
Personal Vehicle Mileage	<u>\$63.27</u>	To and from Austin Airport
Seminar Registration/Fees	<u>\$0</u>	Waived as speaker
Misc. (Describe under comments)	<u>\$34.88</u>	Fuel for rental car
Grand Total	\$967.33 V 1467	

Approval Signatures:

Employee Signature/Date

8. Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third Party, this form is to be completed and forwarded to the Travel Unit, MC-181 or fax to 239-6768.

- 1. Employee's Name: <u>Eleanor Wehner</u>
- 2. Dates of Travel: 10/26/2011 to
- 3. Destination: Denver, CO
- 4. Purpose: Attend Work group and Fall meeting (Sustainable Remediation)
- 5. Reimbursing Organization: Interstate Technology and Regulatory Council
- 6. Itemized Expenses:

Description	Total	Additional Comments (Exact	ants)
Fares:		(Exact)	0011-1-7
Public Transportation	-102	102.00	
Rental Car		,	
Arr	-234	234.25	Œ.
Meals	-58	88.00	H.
Lodging	-330-	330.15	M0335 TCEQ.FAI
Parking	-	-	036
Other:			
Business Telephone Calls			11 NOV 04
Personal Vehicle Mileage			크
Seminar Registration/Fees			h
Misc. (Describe under comments)		54.40 (EMehrer 12/5/11)	
Grand Total	754 7	54.40	

Approval Signatures:

7. Eleuna T. Wehner 10/31/11

Employee Signature/Date

Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third Party, this form is to be completed and forwarded to the Travel Unit, MC-181 or fax to 239-6768.

1. Employee's Name: Susan M. Jablonski

2. Dates of Travel: <u>3/23-25/2011</u>

3. Destination: Perdido Beach, Alabama (Flew to Pensacola, FL)

4. Purpose: Participate in the Spring 2011 Low-Level Radioactive Waste Forum

5. Reimbursing Organization: <u>U.S. Department of Energy</u>

### 6. Itemized Expenses:

Description	Total	Additional Comments
Fares:		
Public Transportation		<u> </u>
Rental Car	\$ 105.07	Avis Rental Car . &
Air	\$ 709.80	Flight on American Arlines
Meals	\$ 127.50	3 days @ \$51/day (Reduce trac)
Lodging	\$ <u>264.18</u>	2 nights@ 119/day plus tax
Parking	\$ 24.00	3days@ \$51/day (Reduce trae!) 2 nights@ \$19/day plus tax=  Austin Arport
Other:		·
Business Telephone Calls	<del></del>	
Personal Vehicle Mileage	\$ 29.07	Mileage to of from Austin Apport,  [28.5 miks each way @ .514/mile)
Seminar Registration/Fees		(28.5 miks each way (d.514/mile)
Misc. (Describe under	\$50.00	Arline Baggage Fee (Zx)
comments)	\$ 6.23	_Airline Baggage Fee (Zx) _Fuel for Rental Car
Grand Total	\$ 1,315.8	

**Approval Signatures:** 

7. Carphovee Signature/Date

8. Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and one copy forwarded to the Travel Unit, MC-181.

(1) Employee's Name:	Steph	en M. Niemeyer, P.	E.	
(2) Dates of Travel:	9/7/20	11-9/9/2011		
(3) Destination:	Las Cr	ruces, NM		_ 
		sent the TCEQ at the		#
(5) Reimbursing Organiza	tion:	U.S. EPA		- FION
		(6) Itemized	Expenses:	CT 17
Description		Total	Additional Commen	ts 🚆
Fares:		\$		
Public Transportation		\$		·
Rental Car		\$		
Air		\$ 466.90		
Meals		\$ 140.00		
Lodging		\$ 182.84		
Parking		\$ 27.00		
Other:				
Business Telephone Calls		\$		
Personal Vehicle Mileage		\$ 19.38		
Seminar Registration/Fees		\$		
Misc. (Describe under comments)		\$		
Grand Total		S 836.12		
Approval Signatures: (7) Employee Signature	/ Deta /	10/13/11		
(8) Supervisor Signature.			0)(3)((	

The employee'supervisor signatures certify that the information provided is true and correct and the amount shown on the formlis (total) amount received from the kimbursing source.

### **TCEQ Interoffice Memorandum**

To:

Commissioners

Mark R. Vickery, P.G. **Executive Director** 

From:

Elizabeth West, Senior Attorney

Contracts, Employment Law and Ethics

General Law Division

David Timberger, Director

General Law Division

Stephanie Bergeron Perdue, Deputy Director

Office of Legal Services

**DATE:** 

December 9, 2011

Caption: Docket No. 2011-1949-MIS. Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with-Chapter 575 of the Government Code, concerning acceptance of gifts and donations by certain agencies.

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Attachments

## Exhibit "A" Chapter 575 of the Government Code

### CHAPTER 575. ACCEPTANCE OF GIFT BY STATE AGENCY

### § 575.001. Definitions

In this chapter:

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### § 575.002. Gifts of \$500 or More

This chapter applies only to a gift that has a value of \$500 or more.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### § 575.003. Acceptance of Gift by State Agency Governing Board

A state agency that has a governing board may accept a gift only if the agency has the authority to accept the gift and a majority of the board, in an open meeting, acknowledges the acceptance of the gift not later than the 90th day after the date the gift is accepted.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 143, § 1, eff. Sept. 1, 1999.

### § 575.004. Record of Gift

A state agency that accepts a gift must record the name of the donor, a description of the gift, and a statement of the purpose of the gift in:

- (1) the minutes of the governing board of the agency; or
- (2) appropriate agency records, if the agency does not have a governing board.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### § 575.005. Acceptance of Gift From Party to Contested Case Prohibited

A state agency may not accept a gift from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final under Section 2001.144. In this section, "contested case" has the meaning assigned by Section 2001.003.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

### Exhibit "B"

**List of Gifts and Donations** 

TEXAS NATUR, DECLARATION	TEXAS NATURAL RESOURCE CONSERVATIO) DECLARATION OF THIRD PARTY REIMBURS!	TEXAS NATURAL RESOURCE CONSERVATION COMMISSION DECLARATION OF THIRD PARTY REIMBURSEMENT	V COMMISSION EMENT		Sept. 2011	through	Dec. 2011
Over \$500.00							
REIMBURSING ORGANIZATION	TRAVELERS NAME	DATES OF TRAVEL	DESTINATION	PURPOSE OF TRIP	REIMBURSED		REIMBURSED TOTAL
Association of State Drinking Water Administrators	Weddell, James S.	8/29-9/1/11	Cincinnati, OH	Attend ES EPA's 8th Annual Workshop on Small Drinking Water Systems Compliance Strategies	Shuttle: Airfare: Meals: Lodging:	\$40.00 \$510.90 \$124.45 \$403.68	\$1,079.03
ASTSWMO-Association of State & Territorial Solid Waste Management Officials	Holderread, Jeff	8/8-8/11/11	Kansas City, MO	ASTSWMO Solid Waste Conference	Taxi: Airfare: Meals: Lodging:	\$53.00 \$700.80 \$105.00 \$347.46	\$1,206.26
ASTSWMO-Association of State & Territorial Solid Waste Management Officials	Power, Abigail	10/25-10/30/11	Bethesda, MD	Attend the Assoc. of State and Territorial Solid Waste Mgmt. Officials (ASTSWMO) Annual meeting and Imergining Issues Work Group	id Public Transport: Airfare: Meals: Lodging:	\$52.62 \$344.30 \$166.16 \$510.76	\$1,073.84

\$696.89	\$1,467.33	\$754.40	\$1,315.85
\$4.50 \$93.44 \$598.95	\$236.28 \$331.10 \$284.00 \$500.00 \$17.80 \$63.27 \$34.88	\$102.00 \$234.25 \$88.00 \$330.15	\$105.07 \$709.80 \$127.50 \$24.00 \$59.07 \$6.23
Train: Meals: Lodging:	Rental Car: Airfare: Meals: Lodging: Business Calls: Personal Mileage: Fuel:	Public Transport: Airfare: Meals: Lodging:	Rental Car: Airfare: Meals: Lodging: Parking: Personal Mileage: Baggage Fees:
Association of State and Territorial Solid Waste Mangement Officials (ASTSWAIO) Leaking Underground Storage Lank & State Fund Workshop	Provided invited presentations and attended the 2011 RadWaste Summit	Attend Work group and Fall meeting (Sustainable Remediation)	Participate in the Spring 2011 Low-Level Radioactive Waste Forum
Chrago, II.	Mammerlin, NV	Denver, CO	Perdido Beach, AL
09/12-09/15:11	11/11/60-90/60	10/26-10/28/11	03/23-03/25/11
ASTSWAIO-Association Walling, Jonathan of State & Territorial Solid Waste Management Officials	Exchange Monitor Jablonski, Susan Publications	Interstate Technology and Wehner, Eleanor Regulatory Council	U.S. Department of Energy Jablonski, Susan M.

\$836.12						\$8,429.72
	\$466.90	\$140.00	\$187.84	\$27.00	81678	\$8,429.72
hbor	Airfare;	Meals:	1 odeine:	Parking;	Personal Mileage:	Totals:
Represent the TCEQ at the Good Neighbor Environmental Board Meeting						
Las Cruces, IVII						
Niemeyer, Mephen M.						

U.S. EPA

### Exhibit "C" **Declaration of Third Party Reimbursement Forms for Supporting Documentation** Texas Commission on Environmental Quality

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6273.

(1) Employee's Name:	Jame	s S. Weddell				
(2) Dates of Travel:	8/29/2	8/29/2011 — 9/1/2011				
(3) Destination:	Cincir	Cincinnati, Ohio				
(4) Purpose:		Attend US EPA's 8 <sup>th</sup> Annual Workshop on Small Drinking Water Systems: Compliance Strategies				
(5) Reimbursing Organiz	ation:	Association of State I Administrators	Drinking Water			
(6) Itemized Expenses:						
Description		Total	Additional Comments			
Fares:		\$ 40.00	2 x \$20.00, shuttle fee			
Public Transportation		\$				
Rental Car		\$				
Air		S 510.90	Includes 2 x \$25.00 for baggage fee			
Meals		S 124.45				
Lodging		\$ 403.68				
Parking		\$				
Other:						
Business Telephone Calls	;	\$				
Personal Vehicle Mileage	:	\$				
Seminar Registration/Fee	S	\$				
Misc. (Describe under comments)		\$				
Grand Total		\$ 1,079.03				
Approval Signatures:  (7) James He  Employee Signature  (8) Ga La	ven per	iseddell				

The employee-supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

'11 SEP 26 PM 10:48 TCEQ FAD

Supervisor Signature/Date

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6273.

(1) Employee's Name:	Jeff Holderrea	d
(2) Dates of Travel:	8/8-11/11	
(3) Destination:	Kansak Gtu, Miss &	Wy.
		Waste Conference
(5) Reimbursing Organization:		nd Territorial Solid Waste
(6) Itemized Expenses:		<del></del>
Description	Total	Additional Comments
Fares: Tax	s 530c	
Public Transportation	S	
Rental Car	S	
Air	s 700 80	
Meals	S 10500	
Lodging	s 7,47 46	
Parking	S	
Other:		
Business Telephone Calls	\$	
Personal Vehicle Mileage	\$	
Seminar Registration/Fees	Ŝ	
Misc. (Describe under comments)	\$	
Grand Total	s 1206 26	
Approval Signatures:	10/26/11	
En:ployee Signature/Date (8)	) 10/20/11	
Supervisor Signature/Date	/ /	

The employee supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit. MC 181 or fax to 239-6768.

(1) Employee's Name:	Abiga	il Po	wer			
(2) Dates of Travel:	Octob	er 25	-30, 2011			
(3) Destination:	Bethe:	Bethesda, MD				
(4) Purpose:	Mgmt	Offi		VMO) A	erritorial Solid Waste nnual meeting and	
(5) Reimbursing Organiz	ation:	AS	TSWMO			
(6) Itemized Expenses:						
Description		To	tal		Additional Comments	
Fares:		\$		<del>-</del>		
Public Transportation		\$	52.62	_		
Rental Car		\$				
Air		\$	344.30	-		
Meals		\$	166.16	•		
Lodging		\$	510.76	_		
Parking		\$		-		
Other:				-		
Business Telephone Calls	3	\$		_		
Personal Vehicle Mileage	:	\$				
Sominar Registration/Fee	S	\$		_		
Misc. (Describe under	٠	\$		-		
comments)						
Grand Total		.\$	1073.84		te de la decembra de la companya de	
Approval Signatures:  (7) Liquid  Employee Signature	)   Ow e/Date	<u>e</u>	12/03/			
Supervisor Signatur	e/Date	<del>- (</del> -	12/2	(v)		

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6768.

(1) Employee's Name:	JONATHAN WALLING					
(2) Dates of Travel:	SEPTEMBER 12-15, 2011					
(3) Destination:	CHICAGO, ILLINOIS					
(4) Purpose:	ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS (ASTSWMO) LEAKING UNDERGROUND STORAGE TANK & STATE FUND WORKSHOP.					
(5) Reimbursing Organiz	ation: ASTSWMO					
(6) Itemized Expenses:						
Description	Total	Additional Comments				
Fares:	\$ 0.00					
Public Transportation	\$ 4.50	Train to and from hotel				
Rental Car	\$ 0.00					
Air	\$ 0.00					
Meals	\$ 93.44	2 full days, 2 half days				
Lodging	\$ 598.95	3 nights @ \$173 + hotel taxes				
Parking	\$ 0.00					
Other:						
Business Telephone Calls	\$ 0.00					
Personal Vehicle Mileage	\$ 0.00					
Seminar Registration/Fee	s \$ 0.00					
Misc. (Describe under comments)	\$ 0.00					
Grand Total	<b>\$</b> 696.89					
Approval Signatures:	-					

Approval Signatures:

A Jan & Calle .

(7) <u>Mattir Latting</u> 10/4/2011 (Employee Signature/Date (8) 35 10/6/11

Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third Party, this form is to be completed and forwarded to the Travel Unit, MC-181 or fax to 239-6768.

- 1. Employee's Name: Susan Jablonski
- 2. Dates of Travel: September 6-11, 2011
- 3. Destination: Summerlin, Nevada (Las Vegas Area)
- 4. Purpose: Provided invited presentations and attended the 2011 RadWaste Summit
- 5. Reimbursing Organization: Exchange Monitor Publications
- 6. Itemized Expenses:

Description	Total	Additional Comments
Fares:		
Public Transportation	<u>\$0</u>	Rented car
Rental Car	4@\$59.07=2.36,29	Rental car at State Rate
Air	\$331.10	Southwest Airlines airfare
Meals	4@\$71 = 284,00	At per diem meal rates
Lodging	<u>\$500</u>	Paid directly by 3rd party
Airport Parking	<u>\$0</u>	Dropped off at airport
Other:		
Business Telephone Calls	4@\$4.45= 7,80	Hotel internet access
Personal Vehicle Mileage	\$63.27	To and from Austin Airport
Seminar Registration/Fees	<u>\$0</u>	Waived as speaker
Misc. (Describe under comments)	<u>\$34.88</u>	Fuel for rental car
Grand Total	\$967.33 × \$1467	1,33

Approval Signatures:

7. Signature/Date

8. Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third Party, this form is to be completed and forwarded to the Travel Unit, MC-181 or fax to 239-6768.

- 1. Employee's Name: <u>Eleanor Wehner</u>
- 2. Pates of Travel: 10/26/2011
- 3. Destination: Denver, CO
- 4. Purpose: Attend Work group and Fall meeting (Sustainable Remediation)
- 5 Reimbursing Organization: Interstate Technology and Regulatory Council

6.	Itemized	Expenses:
----	----------	-----------

Description	Total	Additional Comments (Exact	ants)
Fares:		(Epail)	· /
Public Transportation	102	102.00	
Rental Car	-	,	
$A_{ij}$	-234	234.25	Æ
Meals	-88-	88.00	E
Lodging	-330-	330.15	MO335 TCEQFAD
Parking	***************************************		989
Other:		·	
Business Telephone Calls			11 NOV 04
Personal Vehicle Mileage			4
Seminar Registration/Fees			H
Misc. (Describe under comments)		(= ulal ne~ 12/5/11)	
Grand Total	754 7	54.40 (Emedre 12/6/11)	

Approval Signatures:

7. Pleaner T. Wehner 10/31/11

Employed Signature/Date

Supervisor Signature/Date

The emptoyee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total camount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third Party, this form is to be completed and forwarded to the Travel Unit, MC-181 or fax to 239-6768.

1. Employee's Name: Susan M. Jablonski

2. Dates of Travel: 3/23-25/2011

3. Destination: Perdido Beach, Alabama (Flew to Pensacola, FL)

4. Purpose: Participate in the Spring 2011 Low-Level Radioactive Waste Forum

5. Reimbursing Organization: <u>U.S. Department of Energy</u>

### 6. Itemized Expenses:

Description	Total	Additional Comments
Fares:		E0FAD
Public Transportation		
Rental Car	\$ 105.07	Avis Rental Car
Air	\$ <u>709.80</u>	Flight on American Airlines
Meals	\$ 127.50	3 days@ \$51/day (Reduce trac)
Lodging	\$ <u>264.18</u>	2 nights @ 119 day plus tax
Parking	\$ 24.00	3days@ \$51/day (Reduce trae!) 2 nights@ \$19/day plus tax= @ Host Hold Austin Arport
Other:		,
Business Telephone Calls		<u> </u>
Personal Vehicle Mileage	\$ 29.07	Mileage to of from Austra Auport (28.5 miks each way @ .514/mile)
Seminar Registration/Fees	-	(28.5 miks each any (d. 514/mile)
Misc. (Describe under	650.00	_Airline Baggage Fee (Zx) _Fuel for Rental Car
comments)	\$ 6.23	Fuel for Rental Car
Grand Total	¥ 1,315.8	

**Approval Signatures:** 

7. Employee Signature/Date
8. Dall- 16 31 2011
Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and one copy forwarded to the Travel Unit, MC-181.

(1) Employee's Name:	Steph	en M. Niemeyer, P.E			
(2) Dates of Travel:	9/7/20	)11-9/9/2011		•	
(3) Destination:	Las C	as Cruces, NM			
(4) Purpose:		sent the TCEQ at the Conmental Board meeti			
(5) Reimbursing Organiz	zation:	U.S. EPA		)   	
		(6) Itemized E	Expenses:	*110CT17 PMO134 TCEQFAD	
Description		Total	Additional Comments		
Fares:		\$			
Public Transportation		\$			
Rental Car		\$			
Air		\$ 466.90			
Meals		\$ 140.00			
Lodging		\$ 182.84		10.14.4	
Parking		\$ 27.00			
Other:					
Business Telephone Calls	S	\$			
Personal Vehicle Mileage	ę	\$ 19.38			
Seminar Registration/Fee	:s	\$			
Misc. (Describe under comments)		\$			
Grand Total		<u>\$ 836.12</u>			
Approval Signatures: (7) Employee Signatur (8)	Date	10/13/11	13/11		

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the formthe (total) amount received from the temporaries source.

TCEQ-10/051 (Rev. 10/2002)

Supervisor Signature/Date

### Exhibit "D" **Executive Director's Approval Memorandum** Texas Commission on Environmental Quality

### **TCEQ Interoffice Memorandum**

To:

Mark R. Vickery, P.G.

Executive Director

From:

Elizabeth West, Senior Attorney

Contracts, Employment Law and Ethics

General Law Division

David Timberger, Director

General Law Division

Stephanie Bergeron Perdue, Deputy Director

Office of Legal Services

Date:

December 9, 2011

Caption: Docket No. 2011-1949-MIS. Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning

acceptance of gifts and donations by certain agencies.

Chapter 575 of the Government Code gives some specific direction to state agencies regarding the acceptance of gifts and donations. Chapter 575 provides that the Commission must acknowledge the acceptance of all gifts of money or property with a value of \$500 or more in an open meeting no later than the 90th day after the date the gift is accepted. Chapter 575 further states the name of the donor, a description of the gift or donation, and a statement of the purpose of the gift or donation must be recorded in the minutes. Chapter 575 of the Government Code is attached as Exhibit "A."

Before the Commission can acknowledge the acceptance of gifts and donations with a value of \$500 or more listed in Exhibit "B", the gifts must be accepted by the agency.

A list of gifts and donations is attached as Exhibit "B." A Declaration of Third Party Reimbursement form is submitted for each gift or donation listed in Exhibit "B." The Declaration of Third Party Reimbursement forms are attached as Exhibit "C." Your signature below is needed to "accept" the aforementioned and referenced exhibits. We recommend you sign this form and accept the gifts.

I acknowledge and accept the gifts listed in Exhibit "B", on behalf of the Texas Commission on Environmental Quality.

Mark R. Vickery. P.G.

Executive Director

Date: 12-17

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



A RESOLUTION

Regarding acceptance of gifts and donations in accordance with Chapter 575 of the Government Code concerning acceptance of gifts and donations by certain state agencies; **2011-1949-MIS**.

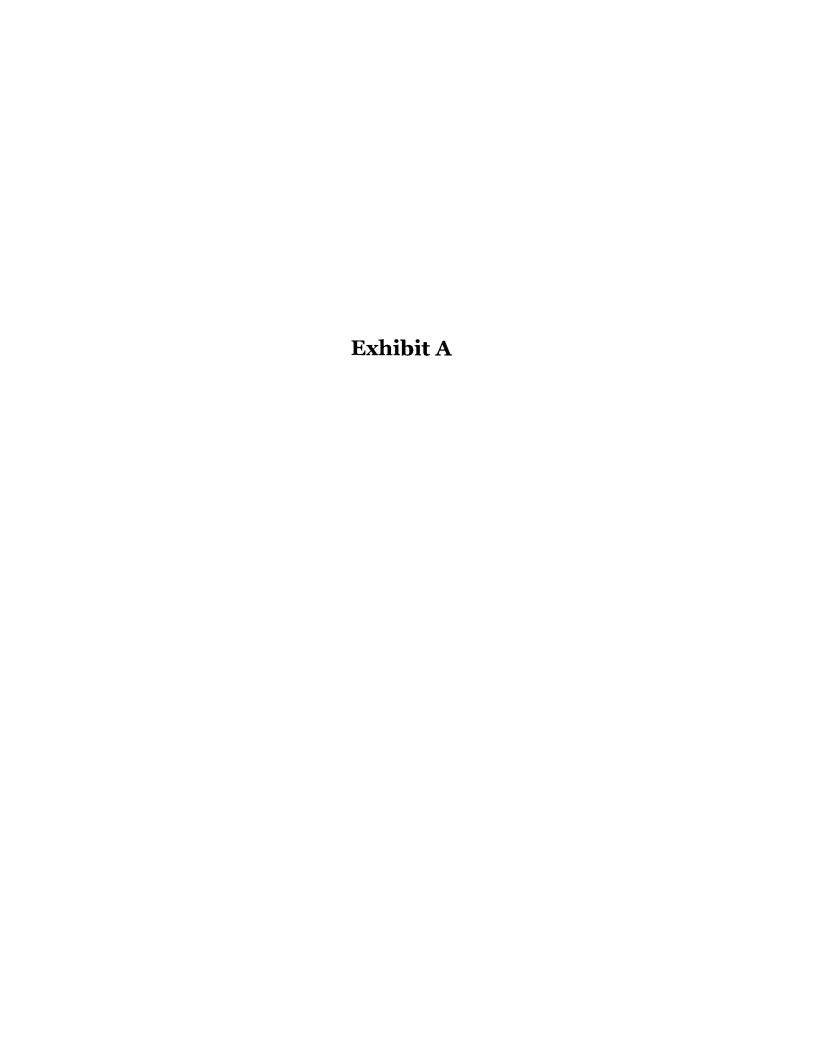
WHEREAS, Chapter 575 of the Government Code provides that a majority of the Commission must acknowledge the acceptance of all gifts of money or property with a value of \$500.00 or more in an open meeting no later than the 90th day after the date the gift is accepted.

WHEREAS, a list of gifts and donations submitted for acknowledgment is attached as Exhibit "A." The gifts have been accepted by the Executive Director. The list includes a description and amount of each gift or donation with a value of \$500.00 or more, the donor's name, and a statement regarding the purpose of each gift or donation in accordance with Section 575.004 of Chapter 575.

NOW, THEREFORE BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the Commission acknowledges acceptance of the gifts and donations listed in Exhibit "A" in accordance with Chapter 575 of the Government Code.

012

Bryan W. Shaw, Ph.D., Chairman



TEXAS NATURADECLARATION	AL RESOURCE O FOR THIRD PAR	TEXAS NATURAL RESOURCE CONSERVATION COMMISSION DECLARATION OF THIRD PARTY REIMBURSEMENT	V COMMISSION MENT		Sept. 2011	through	Dec. 2011
Over \$500.00							
REIMBURSING ORGANIZATION	TRAVELERS NAME	DATES OF TRAVEL	DESTINATION	PURPOSE OF TRIP	REIMBURSED		REIMBURSED TOTAL
Association of State Drinking Water Administrators	Weddell, James S.	8/29-9/1/11	Cincinnati, OH	Attend ES EPA's 8th Annual Workshop on Small Drinking Water Systems Compliance Strategies	Shuttle: Airfare:	\$40.00	\$1,079.03
					Meals: Lodging:	\$124.45	
ASTSWMO-Association P of State & Territorial Solid Waste Management Officials	Holderread, Jeff	8/8-8/11/11	Kansas City, MO	ASTSWMO Solid Waste Conference			\$1,206.26
					Taxi: Airfare: Meals: Lodging:	\$53.00 \$700.80 \$105.00 \$347.46	
ASTSWMO-Association P of State & Territorial Solid Waste Management Officials	Power, Abigail	10/23-10/30/11	Bethesda, MD	Attend the Assoc. of State and Territorial Solid Waste Mgmt. Officials (ASTSWMO) Annual meeting and Imergining Issues Work Group	و		\$1,073.84
					Public Transport: Airfare: Meals: Lodging:	\$52.62 \$344.30 \$166.16 \$510.76	

\$696.89	\$1,467.33	\$754.40	\$1,315.85
\$4.50 \$93.44 \$598.95	\$236.28 \$331.10 \$284.00 \$500.00 \$17.80 \$63.27 \$34.88	\$102.00 \$234.25 \$88.00 \$330.15	\$105.07 \$709.80 \$127.50 \$24.00 \$29.07 \$50.00
Train: Meals: Lodging:	Rental Car: Airfare: Meals: Lodging: Business Calls: Personal Mileage: Fuel:	Public Transport: Airfare: Meals: Lodging:	Rental Car: Airfare: Meals: Lodging: Parking: Personal Mileage: Baggage Fees:
Association of State and Territorial Solid Waste Mangement Officals (ASTSWMO) Leaking Underground Storage Tank & State Fund Workshop	Provided invited presentations and attended the 2011 RadWaste Summit	Attend Work group and Fall meeting (Sustainable Remediation)	Participate in the Spring 2011 Low-Level Radioactive Waste Forum
( htago, II.	Summerlin, NV	Denver, CO	Perdido Beach, AL
09/12-09/15/11	11/11/60-90/60	10/26-10/28/11	03/23-03/25/11
ASTSWMO-Association Walling, Jonathan of State & Territorial Solid Waste Management Officials	Exchange Monitor Jablonski, Susan Publications	Interstate Technology and Wehner, Eleanor Regulatory Council	U.S. Department of Energy Jablonski, Susan M.

\$836.12						\$8,429.72
	\$400.90	\$140.00	\$182.84	\$27.00	\$19.38	\$8,429.72
ю	Airfare.	Meals:	f odging:	Parking:	Personal Mileage:	Totals:
Represent the 1CEO at the Good Neighbor Environmental Board Meeting						
Las Cruces, NM						
Memeyer, Mephen M.						

U.S. EPA